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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,929	03/30/2004	Yi-Chia Liao	2450-0663PUS1	2902

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EXAMINER

CUTLER, ALBERT H

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/811,929	Applicant(s) LIAO, YI-CHIA	
	Examiner Albert H. Cutler	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to application 10/811,929 filed on March 30, 2004. Claims 1-6 are pending in the application and have been examined by the examiner.

Claim Objections

2. Claim 1 is objected to because of the following informalities: Lack of clarity and precision. Claim 1 recites, "the image transmission unit receives the signals from the microprocessor and **transmits the signals to the image storage buffer**". However, page 4, lines 6-9 of the specification recites, "the image transmission unit(36) to receive the signals from the microprocessor(35) and **transfer the signals in the image storage buffer(34) to a memory unit(57)** in the host(40) for storing". It appears that the signals are transferred **from** the storage buffer and not **to** the storage buffer. The Examiner will interpret claim 1 to read, "the image transmission unit receives the signals from the microprocessor and transmits the signals **from** the image storage buffer". Appropriate correction is required.

3. Furthermore, Claim 1 recites, "the radio receiving unit receives the signals **from the infrared detection unit** and transfers the signals to the control unit". However, page 5, lines 13-15 of the specification recites, "a radio receiving unit(58) to receive **external remote control signals** and transmit the signals to the control unit(52)". Therefore, it appears that the signals received by the radio receiving unit come from external remote control signals, and not from the infrared detection unit. The Examiner

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will interpret claim 1 to read, "the radio receiving unit receives **external remote control signals** and transfers the signals to the control unit". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 2, 4, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang(US 6,809,759) in view of Cooper et al.(US 2004/0212678) in view of Blanco et al.(US 7,119,832) in view of Lai(US 5,610,580).

Consider claim 1, Chiang teaches:

A digital camera(figures 1-4) comprising a picture taking device(11) and a host(20);

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wherein the picture taking device contains a first control circuit(see figure 3) which includes a lens unit(12 and 30), an optical viewfinder unit(14), an image storage buffer(36), a microprocessor(38) and an image transmission unit(40);

wherein the microprocessor issues signals to the image transmission unit(column 3, lines 8-10);

the lens unit(12 and 30) generates signals which are transmitted to the microprocessor and the image storage buffer(See column 2, line 67 through column 3, line 11, figure 3. The lens unit generates signals which go to the AGC(32), A/D converter(34), buffer(36), and microprocessor(38).);

the optical viewfinder unit displays the signals of the lens unit(column 4, lines 1-26. The optical viewfinder(14) can be used for viewing when the camera(11) is detached from the remote control(20).);

the image storage buffer stores temporarily the signals captured by the lens unit(column 3, lines 4-8);

the microprocessor(38) receives the signals from the lens unit(12 and 30) and transfers the signals to the image transmission unit(40, column 2, line 67 through column 3, line 30, column 4, lines 27-35); and

the image transmission unit(40) receives the signals from the microprocessor and transmits the signals from the image storage buffer(column 2, line 67 through column 3, line 30, column 4, lines 27-35);

wherein the host(20) contains a second control circuit(see figure 3) which includes an operation unit("control panel", 28), a viewing unit("LCD", 22, column 4, lines

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1-13), a signal output unit(50), a power supply unit("battery", column 3, line 65), a memory storage unit(56), a radio receiving unit(54), a radio emission unit(The transceiver(54) is both a radio receiving unit and a radio emission unit.) and a control unit(58);

wherein the operation unit(28) generates operation signals which are transferred to the control unit(58, column 3, lines 30-38, column 4, lines 9-11, lines 46-64, figure 3);

the viewing unit(22) receives signals from the control unit(column 4, lines 11-13, lines 43-64);

the signal output unit(50) receives the signals from the control units(column 4, lines 46-64);

the power supply unit is connected to a charge circuit("battery") to supply electric power required(column 3, line 65);

the memory storage unit receives the signals from the image storage buffer and stores the signals(See column 3, lines 35-38. The memory storage unit(56) stores both data and programs. The signals from the image storage buffer are transferred over a Bluetooth network from the camera(11) to the host(20), column 3, lines 39-59.);

the radio receiving unit(54) receives external remote control signals and transfers the signals to the control unit(The radio receiving unit(54) receives external remote control signals from the control panel(28), which signals are transferred to the control unit of the camera(11), column 4, lines 46-64);

the radio emission unit(54) receives the signals from the control unit(58) and emits the signals by radio(Bluetooth is used to emit radio signals from the host(20) to the camera(11), column 4, lines 46-64, column 3, lines 31-59); and

the control unit(58) receives the signals from the image transmission unit(40) and remote detection radio signals emitted by the radio emission unit(58), and transmits the signals to other units(The control unit(58) receives signals from the image transmission unit(40), and displays those signals on the LCD(22, i.e. transmits those signals to other units), column 3, lines 30-38. The control unit(58) also receives signals from the control panel(28), which signals are emitted by the radio emission unit(54) to other units, column 4, lines 46-63.).

However, Chiang does not explicitly teach that the camera is equipped with surveillance and burglarproof functions comprising an infrared detection unit, or that the infrared detection unit generates signals which are transmitted to the microprocessor.

Cooper et al. is similar to Chiang in that Cooper et al. teach of a camera that is remote from a host. See figure 7, paragraphs 0046-0055. The camera(702, figure 7) is remote from a computer(502) and a PDA(510). Chiang also teaches that the host can be a PDA(column 5, line 3, through column 6, line 22). Cooper et al. is further similar in that the camera contains an image transmission unit(106, figure 1).

In addition to the teaching of Chiang, Cooper et al. teach that the camera is equipped with surveillance and burglarproof functions(The camera contains a motion detector, 100, figures 5-9. The camera is for security and surveillance, paragraph 0077.) comprising an infrared detection unit(100, figures 5-9, paragraphs 0076 and

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0002. The motion detector can be a PIR(passive infrared) motion detector.). Cooper et al. teach that the motion detector is connected to an alarm(506) to output a signal if motion is detected(paragraphs 0046-0047).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include an infrared detector as taught by Cooper et al. in the camera taught by Chiang for the benefit of being able to use the camera/host interface as an efficient, low-power security system.

The combined teaching of Chiang and Cooper et al. does not explicitly teach an operation display unit, or that the operation display unit receives the operation signals from the control unit.

Blanco et al.(US 7,119,832) is similar to Chiang in that Blanco et al. teach of a camera(150, figure 1) remote from a host which receives the images from the camera(Images are recorded on a VCR in the trunk of a car, column 4, line 17 through column 5, line 4.).

In addition to the teachings of Chiang and Cooper et al., Blanco et al. teach an operation display unit(LCD, 220, figure 2) which receives the operation signals from the control unit(The operation display unit(220) displays status information relating to the in-car video system, column 5, line 66 through column 6, line 14.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include an operation display unit as taught by Blanco et al. in the host taught by the combination of Chiang and Cooper et al. for the benefit of

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preventing user confusion regarding the operational status of the camera due to the camera being remote from the host(Blanco et al., column 1, lines 32-37).

However, the combination of Chiang, Cooper et al., and Blanco et al. does not explicitly teach of a backup battery.

Lai is similar to Chiang in that Lai teaches of a camera unit(14) containing an image transmission unit(28). Lai is similar to Cooper et al. in that a motion detector(26) is used.

However, in addition to the teachings of Chiang, Cooper et al., and Blanco et al., Lai teaches that the power supply(34 and 36) contains a backup battery(36, column 2, lines 11-14, lines 51-54).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include a backup battery as taught by Lai in the power supply unit taught by the combination of Chiang, Cooper et al., and Blanco et al. for the benefit of providing necessary power in the case that the primary power source is interrupted, and thus preventing unwanted time lapses between camera operations(Lai, column 2, lines 51-54).

Consider claim 2, and as applied to claim 1 above, Chiang teaches that the picture taking device contains an optical viewfinder(see claim 1 rationale). However, Chiang does not explicitly teach that the picture taking device contains a burglarproof sensor.

Cooper et al. teach that the picture taking device contains a burglarproof infrared motion sensor(see claim 1 rationale).

Consider claim 4, and as applied to claim 2 above, Chiang does not teach that the burglarproof sensor is an infrared sensor.

Cooper et al. teach that the burglarproof sensor is an infrared sensor(100, figures 5-9, paragraphs 0076 and 0002. The motion detector can be a PIR(passive infrared) motion detector.).

Consider claim 5, and as applied to claim 1 above, Chiang further teaches the host further includes a manual shutter button(column 4, lines 59-62) and an LCD viewing window(22, column 4, lines 6-10, lines 43-63).

However, the combination of Chiang and Cooper et al. does not explicitly teach an operation display window, or of video/audio output and input jacks.

Blanco et al. teach an operation display window(220, figure 2, column 5, line 66 through column 6, line 14). Blanco et al. also teach of video/audio output and input jacks(330, 340, 342, 344, 346, 348, figure 3, column 8, lines 4-44).

Consider claim 6, and as applied to claim 1 above, Chiang further teaches that the radio emission unit(54) is connected to a transceiver(The radio emission unit(54) is a transceiver, see figure 3.).

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7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang(US 6,809,759) in view of Cooper et al.(US 2004/0212678) in view of Blanco et al.(US 7,119,832) in view of Lai(US 5,610,580) as applied to claim 2 above, further in view of Nakamura(US 6,466,261).

Consider claim 3, and as applied to claim 2 above, the combination of Chiang, Cooper et al., Blanco et al., and Lai teaches of a camera/host configuration in which the camera contains a burglarproof sensor(see claim 1 and 2 rationale).

However, the combination does not explicitly teach that the burglarproof sensor is a human body sensor.

Nakamura is similar to Chiang in that Nakamura teaches of a camera and a host processor(column 2, line 19 through column 4, line 15). Nakamura also similarly contains a burglarproof sensor(23, figure 1).

However, in addition to the teachings of Chiang, Cooper et al., Blanco et al., and Lai, Nakamura teaches that the burglarproof sensor is a human body sensor(23, figure 1, column 3, lines 45-58).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use a human body sensor as taught by Nakamura as the burglarproof sensor taught by the combination of Chiang, Cooper et al., Blanco et al., and Lai for the benefit of improving security by enabling the photography of doubtful individuals when an owner of the camera is not present(Nakamura, column 1, lines 29-42).

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 1-6 of application 10/811,929 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 11/023,443. Although the conflicting claims are not identical, they are not patentably distinct from each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Relative to claim 1, the 11/023,443 claim 1 is a broader recitation of the same invention claimed in the 10/811,929 claim 1. Therefore, the 11/023,443 claim 1 is encompassed by the 10/811,929 claim 1. It is critical that patents issuing from these

applications be commonly owned to avoid potential licensees from owing license fees to two different parties.

Referring to claim 2 of the 10/811,929 application, claim 6 of the 11/023,443 application is directed to the same invention.

Referring to claim 3 of the 10/811,929 application, claim 2 of the 11/023,443 application is directed to the same invention.

Referring to claim 4 of the 10/811,929 application, claim 3 of the 11/023,443 application is directed to the same invention.

Referring to claim 5 of the 10/811,929 application, claim 7 of the 11/023,443 application is directed to the same invention.

Referring to claim 6 of the 10/811,929 application, claim 5 of the 11/023,443 application is directed to the same invention.

Furthermore, claim 4 of application 11/023,443 is encompassed by claim 1 of application 10/811,929.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized, flowing script.

LIN YE
PRIMARY PATENT EXAMINER